

DECLARATION IN SUPPORT OF PETITION TO FILE DECLARATION ON BEHALF
OF NONSIGNING INVENTORS WHO REFUSE TO SIGN OR CANNOT BE REACHED
UNDER 37 CFR 1.47(A)

I, Jerry L. Hefner, hereby declare that, to the best of my knowledge, information, and belief, the following is true, accurate, and correct:

- 1) I am an associate attorney at Knobbe, Martens, Olson & Bear, LLP ("KMOB") and help coordinate prosecution of patent matters assigned to our client, Nagaoka and Co., LTD ("Nagaoka").
- 2) On November 4, 2003, Burstein Technologies, Inc. ("BTI") sold an undivided partial ownership interest in all intellectual property matters to Nagaoka. Prior to November 4, 2003, BTI terminated all employees.
- 3) On February 28, 2002, a patent application was filed on behalf of Nagaoka, entitled "Methods for Decreasing Non-Specific Binding of Beads in Dual Bead Assays Including Related Optical Biodisks and Disk Drive Systems" This application claims priority to provisional applications and is subject to the November 4, 2003 assignment from BTI to Nagaoka. Accordingly, the listed inventors were previous employees of BTI.
- 4) This application was assigned Application Number 10/087,549 ("the '549 application") by the U.S. Patent and Trademark Office.
- 5) Filed concurrently with the patent application on February 28, 2002, was a Declaration of Inventorship executed by two of the three inventors, Brigitte Chau Phan and Amethyst Hoang Lam.
- 6) On or about April 22, 2002, the U.S. Patent and Trademark Office mailed a Notice To File Missing Parts Of Nonprovisional Application, indicating that the filing fee and an Oath or Declaration were missing from the original application filing. The missing parts notice set a two month initial deadline for submitting the missing declaration and filing fee. Thus, the initial deadline for filing these documents was June 22, 2002.
- 7) On or about July 15, 2002, a Response to the Notice to File Missing Parts was filed, including a Declaration of Inventorship signed by the third inventor, KaYuen Yeung, and also the first inventor, Brigitte Chau Phan, who had also signed the February 28, 2002 Declaration of Inventorship.

**Diligent Efforts Attempting to Secure an Unaltered Declaration of Inventorship from
KaYuen Yeung**

- 8) On or about April 27, 2004, an Office Action was mailed wherein the Examiner informed Applicants that the Oath/Declaration filed on July 15, 2002, was defective because there was a non-initialed, non-dated alteration to the address of inventor KaYuen Yeung.
- 9) After receiving the April 27, 2004, Office Action, I attempted to contact KaYuen Yeung to secure an unaltered Declaration of Inventorship for the '549 application. As outlined below, however, despite diligent efforts I was unable to secure an unaltered, executed declaration from KaYuen Yeung.
- 10) On or about July 30, 2004, I prepared and sent a letter to KaYuen Yeung, which explained that the filing of US Patent Application No. 10/087,549 would be incomplete unless she signed and returned to us the Declaration of Inventorship that was enclosed with the letter. The letter was sent via U.S. Certified Mail to Ms. Yeung's address at 1326 Third Avenue, San Francisco, CA 94122. A return receipt indicates that the letter was forwarded and delivered on August 16, 2004, to an address in Brooklyn, NY. Although the letter was delivered, I received no response from Ms. Yeung. A copy of the return receipt signed by "Helen K. Yeung" is attached hereto as Exhibit A.
- 11) On August 27, 2004, after receiving the certified mail return receipt, an attempt was made to obtain the address of inventor KaYuen Yeung by using the United States Post Office on-line tracking service. The on-line tracking information for this letter indicates that it was forwarded from the San Francisco, CA address on August 3, 2004, that a Notice was sent to a Brooklyn, NY 11215 address on August 9, 2004, and that the letter was delivered on August 16, 2004 in Brooklyn, NY 11215. The tracking information for the address service request does not give a street address, but rather, just indicates that the letter was delivered to Brooklyn, NY. The tracking information is attached hereto as Exhibit B.
- 12) On or about August 27, 2004, I had an envelope marked **ADDRESS SERVICE REQUESTED*** prepared and sent to Ms. Yeung at 1326 Third Avenue, San Francisco, CA 94122 in an attempt to ascertain the Brooklyn address. Despite this effort, the Post Office did not return the Brooklyn, NY address. The envelope marked **ADDRESS SERVICE REQUESTED*** is attached hereto as Exhibit C.
- 13) On or about September 24, 2004, I prepared and sent another letter to KaYuen Yeung, which again explained that the filing of US Patent Application No. 10/087,549 would be incomplete unless she signed and returned to us the Declaration of Inventorship that was enclosed with

**Diligent Efforts Attempting to Secure an Unaltered Declaration of Inventorship from
KaYuen Yeung**

the letter. The letter was sent via U.S. Certified Mail to Ms. Yeung's address at 1326 Third Avenue, San Francisco, CA 94122. A return receipt indicates that the letter was forwarded and delivered on October 13, 2004, to an address in Brooklyn, NY. Although the letter was delivered, I received no response from Ms. Yeung. A copy of the return receipt was returned and signed with a signature identical to the one from the return receipt of the July 30, 2004, letter that was signed by "Helen K. Yeung." The return receipt from the September 24, 2004, letter is attached hereto as Exhibit D.

- 14) On or about October 18, 2004, I had an envelope marked *****RETURN SERVICE REQUESTED***** prepared and sent to Ms. Yeung at 1326 Third Avenue, San Francisco, CA 94122 in an attempt to ascertain the Brooklyn address. Despite this effort, the Post Office did not return either the envelope nor the Brooklyn, NY address. The envelope marked *****RETURN SERVICE REQUESTED***** is attached hereto as Exhibit E.
- 15) On or about October 21, 2004, I received the results of a skip trace that was performed by KMOB's in-house researchers. The results are attached hereto as Exhibit F. These results indicate that KaYuen Yeung goes by the alias "Helen Yeung" and thus verifies that the person who signed the return receipts from the July 30, 2004 and September 24, 2004, letters was KaYuen Yeung. The skip trace did not find an address for Ms. Yeung in Brooklyn, NY, but it was able to verify that her last known address is 1326 Third Avenue, San Francisco, CA 94122. The skip trace also verified the last known phone number of Ms. Yeung, which has a 415 area code from the San Francisco area.
- 16) Calls placed to KaYuen Yeung at the 415 area code number have verified that the number is disconnected.

Signature:


Jerry E. Hefner

Date:

October 27, 2004

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="font-size: 1.2em; margin-left: 40px;">Kathleen Yeung</p> <p style="margin-left: 40px;">1326 Third Avenue</p> <p style="margin-left: 40px;">SF CA 94124</p>	<p>A. Signature</p> <p style="font-size: 1.5em; margin-left: 40px;">X <i>[Signature]</i></p> <p style="text-align: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p style="margin-left: 40px;"><i>[Signature]</i></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below <input type="checkbox"/> No</p>
<p>2. Article Number: (Transfer from service label)</p> <p style="font-size: 1.2em; margin-left: 40px;">7003 2260 0003 1118 6899</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, August 2001 Domestic Return Receipt 102585-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

July 30, 2004
CERTIFIED MAIL

KaYuen Yeung
1326 Third Avenue
San Francisco, California 94122

Re: U.S. Patent Application
Title: METHODS FOR DECREASING NON-SPECIFIC BINDING OF BEADS
IN DUAL BEAD ASSAYS INCLUDING RELATED OPTICAL
BIODISCS AND DISC DRIVE SYSTEMS
Application No.: 10/087,549 – Filed: February 28, 2002
Our Reference: NAGACO.018CP1

Dear KaYuen Yeung:

As you may know, Nagaoka and Co., LTD is a partial owner of all intellectual property (including unfiled and pending patent applications, as well as issued patents) that were previously owned exclusively by Burstein Technologies, Inc. ("BTI"). As partial owner, Nagaoka is handling filing of new patent applications and maintaining those pending application. Our firm, Knobbe, Martens, Olson & Bear, LLP, has been retained by Nagaoka to handle these matters on their behalf.

You are listed as an inventor on an application entitled, "DUAL BEAD ASSAYS INCLUDING OPTICAL BIODISCS AND METHODS RELATING THERETO," which was filed in the U.S. Patent Office on November 27, 2001. In order to maintain a priority claim to this application, we have filed a corresponding continuation-in-part application on February 28, 2002. Attached are the specification and figures for the patent application that was filed on February 28, 2004, which may be referenced using our docket no. NAGACO.018CP1.

In order to complete the filing of the above-listed application, we are required to submit certain formal documents to the U.S. Patent Office, each requiring your signature. These documents include (1) a declaration indicating that you are an inventor of the specific invention embodied in the attached specification and figures and (2) an assignment that transfers all rights in this application to BTI. Please note that, while notarization of the assignment is preferred, it is not required. If a notary is easily accessible, we will gladly reimburse you for their fee.

Please review the attached declaration and assignment to ensure that they are accurate. You may then execute each document and return to me via facsimile (619-235-0176), email

KaYuen Yeung
July 30, 2004
Page -2-

(such as in a scanned pdf file) jhefner@kmob.com, or U.S. Mail. We look forward to receiving the completed documents discussed above. If you have any questions, please contact me.

Sincerely,



Jerry L. Hefner

Enclosures

S:\DOCS\VLH\JLH-2815.DOC\072204

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS FOR DECREASING NON-SPECIFIC BINDING OF BEADS IN DUAL BEAD ASSAYS INCLUDING RELATED OPTICAL BIODISCS AND DISC DRIVE SYSTEMS; the specification of which was filed on **February 28, 2002** as Application Serial No. **10/087,549**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date
60/272,134	February 28, 2001
60/272,243	February 28, 2001
60/272,525	March 1, 2001
60/275,006	March 12, 2001
60/275,643	March 14, 2001
60/278,691	March 26, 2001
60/314,906	August 24, 2001
60/352,270	January 30, 2002

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: **09/997,741**

Filing Date: **11/27/01**

Status: **Pending**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Brigitte Chau Phan**

Inventor's signature: _____

Date: _____

Residence: 15910 Meagher, Fountain Valley, CA 92708

Citizenship: United States

Post Office Address: Same as residence address

Full name of second inventor: **Amethyst Hoang Lam**

Inventor's signature: _____

Date: _____

Residence: 5 Middleton, Irvine, CA 92620

Citizenship: United States

Post Office Address: Same as residence address

Full name of third inventor: **KaYuen Yeung**

Inventor's signature: _____

Date: _____

Residence: 1326 Third Avenue, San Francisco, California 94122

Citizenship: United States

Post Office Address: Same as residence address

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

S:\DOCS\JLHV\H-2831.DOC\072904

ASSIGNMENT

WHEREAS, I, KaYuen Yeung, a United States citizen, residing at 1326 Third Avenue, San Francisco 94122, have invented certain new and useful improvements in a METHODS FOR DECREASING NON-SPECIFIC BINDING OF BEADS IN DUAL BEAD ASSAYS INCLUDING RELATED OPTICAL BIODISCS AND DISC DRIVE SYSTEMS for which I have filed an application for Letters Patent in the United States, Application No. 10/087,549, filing date February 28, 2002;

AND WHEREAS, BURSTEIN TECHNOLOGIES, INC., (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 163 Technology Drive, Suite 200, Irvine, California 92618, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 20__.

KaYuen Yeung

STATE OF

}
}
} ss.
}

COUNTY OF

On _____, before me, _____, personally appeared KaYuen Yeung personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacity(ies), and that by their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature



Track & Confirm

Shipment Details

You entered 7003 2260 0003 1118 6899

Your item was delivered at 1:32 pm on August 16, 2004 in BROOKLYN, NY 11215.

Here is what happened earlier:

- NOTICE LEFT, August 09, 2004, 1:35 pm, BROOKLYN, NY 11215
- FORWARDED, August 03, 2004, 9:41 am, SAN FRANCISCO, CA

Notification Options

▶ Track & Confirm by email [What is this?](#)



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Track & Confirm FAQs

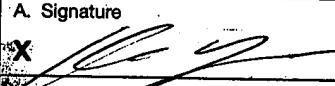
Knottie Martens Olson & Bear LLP

Intellectual Property Law
550 West C Street Suite 1200
San Diego CA 92101

JLH

KaYuen Yeung
1326 Third Avenue
San Francisco, CA 94122
****ADDRESS SERVICE REQUESTED****

NAGACO.018CPI

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature 	
1. Article Addressed to: KA YUEN YEUNG 1326 Third Avenue San Francisco CA 94122		<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) _____ C. Date of Delivery _____ D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7004 0750 0002 8442 9200			

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-1A-1640

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CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
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OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To _____
Street, Apt. No.,
or PO Box No. _____
City, State, ZIP+4 _____

PS Form 3800, June 2002 See Reverse for Instructions

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

550 West C Street
Suite 1200
San Diego CA 92101
Tel 619-235-8550
Fax 619-235-0176
www.kmob.com

Jerry L. Hefner, Ph.D.
jhefner@kmob.com

September 24, 2004

CERTIFIED MAIL

KaYuen Yeung
1326 Third Avenue
San Francisco, California 94122

Re: U.S. Patent Application
Title: METHODS FOR DECREASING NON-SPECIFIC BINDING OF BEADS
IN DUAL BEAD ASSAYS INCLUDING RELATED OPTICAL
BIODISCS AND DISC DRIVE SYSTEMS
Application No.: 10/087,549 – Filed: February 28, 2002
Our Reference: NAGACO.018CP1

Dear KaYuen Yeung:

As you may know, Nagaoka and Co., LTD is a partial owner of all intellectual property (including unfiled and pending patent applications, as well as issued patents) that were previously owned exclusively by Burstein Technologies, Inc. ("BTI"). As partial owner, Nagaoka is handling filing of new patent applications and maintaining those pending application. Our firm, Knobbe, Martens, Olson & Bear, LLP, has been retained by Nagaoka to handle these matters on their behalf.

You are listed as an inventor on an application entitled, "DUAL BEAD ASSAYS INCLUDING OPTICAL BIODISCS AND METHODS RELATING THERETO," which was filed in the U.S. Patent Office on November 27, 2001. In order to maintain a priority claim to this application, we have filed a corresponding continuation-in-part application on February 28, 2002. Attached are the specification and figures for the patent application that was filed on February 28, 2004, which may be referenced using our docket no. NAGACO.018CP1.

In order to complete the filing of the above-listed application, we are required to submit certain formal documents to the U.S. Patent Office, each requiring your signature. These documents include (1) a declaration indicating that you are an inventor of the specific invention embodied in the attached specification and figures and (2) an assignment that transfers all rights in this application to BTI. Please note that, while notarization of the assignment is preferred, it is not required. If a notary is easily accessible, we will gladly reimburse you for their fee.

Please review the attached declaration and assignment to ensure that they are accurate. You may then execute each document and return to me via facsimile (619-235-0176), email

Orange County
949-760-0404

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
951-781-9231

San Luis Obispo
805-547-5580

KaYuen Yeung
September 24, 2004
Page -2-

(such as in a scanned pdf file) jhefner@kmob.com, or U.S. Mail. We look forward to receiving the completed documents discussed above. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry L. Hefner", with a long horizontal flourish extending to the right.

Jerry L. Hefner

Enclosures

S:\DOCS\VLH\VLH-2815.DOC\072204

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS FOR DECREASING NON-SPECIFIC BINDING OF BEADS IN DUAL BEAD ASSAYS INCLUDING RELATED OPTICAL BIODISCS AND DISC DRIVE SYSTEMS; the specification of which was filed on **February 28, 2002** as Application Serial No. **10/087,549**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date
60/272,134	February 28, 2001
60/272,243	February 28, 2001
60/272,525	March 1, 2001
60/275,006	March 12, 2001
60/275,643	March 14, 2001
60/278,691	March 26, 2001
60/314,906	August 24, 2001
60/352,270	January 30, 2002

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: **09/997,741**

Filing Date: **11/27/01**

Status: **Pending**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Brigitte Chau Phan**

Inventor's signature: _____

Date: _____

Residence: 15910 Meagher, Fountain Valley, CA 92708

Citizenship: United States

Post Office Address: Same as residence address

Full name of second inventor: **Amethyst Hoang Lam**

Inventor's signature: _____

Date: _____

Residence: 5 Middleton, Irvine, CA 92620

Citizenship: United States

Post Office Address: Same as residence address

Full name of third inventor: **KaYuen Yeung**

Inventor's signature: _____

Date: _____

Residence: 1326 Third Avenue, San Francisco, California 94122

Citizenship: United States

Post Office Address: Same as residence address

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

S:\DOCS\VLH\VLH-2831.DOC\072904

ASSIGNMENT

WHEREAS, I, KaYuen Yeung, a United States citizen, residing at 1326 Third Avenue, San Francisco 94122, have invented certain new and useful improvements in a METHODS FOR DECREASING NON-SPECIFIC BINDING OF BEADS IN DUAL BEAD ASSAYS INCLUDING RELATED OPTICAL BIODISCS AND DISC DRIVE SYSTEMS for which I have filed an application for Letters Patent in the United States, Application No. 10/087,549, filing date February 28, 2002;

AND WHEREAS, BURSTEIN TECHNOLOGIES, INC., (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 163 Technology Drive, Suite 200, Irvine, California 92618, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 20__.

KaYuen Yeung

STATE OF }
 } ss.
COUNTY OF }

On _____, before me, _____, personally appeared KaYuen Yeung personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacity(ies), and that by their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

Knobbe Martens Olson & Bear LLP

Intellectual Property Law
550 West C Street Suite 1200
San Diego CA 92101

JLH

KAYUEN YEUNG
1326 THIRD AVENUE
SAN FRANCISCO, CALIFORNIA 94122

****RETURN SERVICE REQUESTED****

NAGACO.018CPI

Sent on
10/18/04

5 of 11 DOCUMENTS

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PERSON SUMMARY REPORT

Yeung, Helen
1326 3rd Ave
San Francisco, CA 94122-2719
County/FIPS: San Francisco

Name Variation(s) As Found:

Yeung, H
Yeung, Helen
Yeung, Kayuen

Telephone:

415-753-1596
595-5059
915-5485

Address Variation(s):

*** ORIGINAL ***

1326 3rd Ave, San Francisco, CA 94122-2719

*** POSTAL STANDARD ***

1326 3rd Ave, San Francisco, CA 94122-2719
County/FIPS: San Francisco
MSA: San Francisco, CA - 7360

Previous Address(es):

*** ORIGINAL ***

817 W Beacon St, Alhambra, CA 91801-3648

*** POSTAL STANDARD ***

817 W Beacon St, Alhambra, CA 91801-3648
County/FIPS: Los Angeles
MSA: Los Angeles-Long Beach, CA - 4480

*** ORIGINAL ***

1365 Lafayette Road Apt C, Claremont, CA 91711-3476

*** POSTAL STANDARD ***

1365 Lafayette Rd Apt C, Claremont, CA 91711-3476

Yeung, Helen

County/FIPS: Los Angeles
MSA: Los Angeles-Long Beach, CA - 4480

***** ORIGINAL *****

21042 E Arrow Highway Apt 130, Covina, CA 91724

21042 E Arrow Highway Apt 130, Covina, CA 91724-1446

***** POSTAL STANDARD *****

21042 E Arrow Hwy Apt 130, Covina, CA 91724-1446

County/FIPS: Los Angeles

MSA: Los Angeles-Long Beach, CA - 4480

***** ORIGINAL *****

261 E Gladstone St, San Dimas, CA 91773

261 E Gladstone St, San Dimas, CA 91773-1830

***** POSTAL STANDARD *****

261 E Gladstone St, San Dimas, CA 91773-1830

County/FIPS: Los Angeles

MSA: Los Angeles-Long Beach, CA - 4480

***** ORIGINAL *****

1420 S Del Mar Avenue Apt 6, San Gabriel, CA 91776-3347

***** POSTAL STANDARD *****

1420 S Del Mar Ave Apt 6, San Gabriel, CA 91776-3347

County/FIPS: Los Angeles

MSA: Los Angeles-Long Beach, CA - 4480

ATTRIBUTES:

Gender: Female

Date of Birth: 11/1972

Roles and Occurrences in Data:

Name Variation(s) As Found:	3
Real Property Owner:	0
Mortgage(s):	0
Aircraft Owner:	0
Boat Owner:	0
Bankruptcy Petitioner:	0
Other Bankruptcy Party:	0
Judgment:	0
Debtor:	0
Creditor:	0
Executive:	0
Registered Agent:	0

Yeung, Helen

SOURCES

P-FIND - Person Locator (Region 10)	1
P-TRAK - Person Locator (Region 16)	2
P-TRAK Person Locator (Region 9)	1
USFIND - Person Locator (Area Code Region 4)	1

Load Date: 08/25/2004